

1 HOUSE BILL NO. 427

2 INTRODUCED BY J. BONIEK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING THE PROHIBITION ON THE POSSESSION OF
5 SOUND REDUCTION DEVICES ON FIREARMS IN THE FIELD AND FOREST; REPEALING SECTION
6 87-3-123, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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8 WHEREAS, section 87-3-123, MCA, which currently prohibits the possession of sound reduction devices
9 on firearms in the field or forest or while hunting, is overbroad and criminalizes benign conduct; and

10 WHEREAS, the Department of Fish, Wildlife, and Parks is not using section 87-3-123, MCA, as an
11 enforcement tool when prosecuting cases in which a person used a firearm equipped with a sound reduction
12 device to unlawfully kill a game animal; and

13 WHEREAS, the repeal of section 87-3-123, MCA, would not inhibit the prosecution of those cases in the
14 future, because section 45-8-336, MCA, allows for the felony prosecution of a person who commits the offense
15 of using a sound reduction device on a firearm to unlawfully kill a game animal.

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17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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19 NEW SECTION. **Section 1. Repealer.** Section 87-3-123, MCA, is repealed.

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21 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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